

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

City Select Auto Sales, Inc,)	
)	
PLAINTIFF,)	
)	
V.)	Case No. 1:13-cv-04595-NLH-JS
)	
BMW Bank of North America, Inc. et al.,)	
)	
DEFENDANTS)	

DECLARATION OF DOROTHY SUE MERRYMAN

I, Dorothy Sue Merryman, declare under penalty of perjury, as provided for by 28 U.S.C. § 1746, that the following statements are true:

1. I have personal knowledge of the facts stated in this affidavit and can competently testify to the same.
2. I am a Project Manager for Class-Settlement.com (“Class Settlement”).
3. Class Settlement provides claims administration services, including class notification, claims processing, and distribution services.
4. At the request of Plaintiff’s counsel, I coordinated a subsequent distribution of the class Notice in this case by fax and U.S. mail and have knowledge of what work was performed.
5. Attached as Exhibit 1 is a copy of the Class Notice Class Counsel provided to me.
6. Class Counsel also provided me a list of 16,747 records, which included fax numbers, phone numbers, contact names and address information relating to those records (the “Class List”).

7. Class Counsel requested that I send Exhibit 1 by fax to the numbers on the Class List for which a fax number was provided, and then by U.S. Mail for those records for whom an address was provided.

8. I added one test record to the Class List to ensure the accuracy of the fax broadcast.

9. On July 22, 2019, I caused Exhibit 1 to be sent by fax to the 14,823 records on the Class List for which valid, non-duplicative fax numbers were provided, and the test number.

10. Of the 14,823 fax numbers, 6,002 were sent successfully and 8,821 failed. The test record was sent successfully.

11. For each failed transmission, the fax broadcasting software attempted the transmission at least three times.

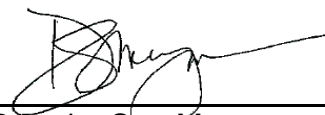
12. At the conclusion of the notice by fax, we generated a list of the records on the Class List for which address data was provided. Class Counsel requested that we mail Notice to those records, after first comparing the resulting list against the U.S. Postal Service's National Change of Address (CASS/NCOA) database.

13. On or about July 23, 2019, I caused Exhibit 1 to be sent by U.S. Mail to the 15,977 records on the Class List for which address information was available.

14. As of November 25, 2019, 4,112 were returned as undeliverable. A total of 1,233 returned items contained forwarding information, and were remailed.

15. As of November 25, 2019, Class Settlement received no requests to opt out of the settlement, and no objections to the settlement.

Executed this 25th day of November, 2019.



Dorothy Sue Merryman

EXHIBIT 1

This is a notice of a lawsuit settlement.

It should be read by a person who makes legal decisions for your home or business.

You may benefit from this. Please read it carefully.

You must submit a Proof of Claim (attached) to receive a settlement check.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY – CAMDEN VICINAGE**

CITY SELECT AUTO SALES, INC., a new Jersey corporation, individually and as the representative of a class of similarly situated persons,

Plaintiff,

vs.

BMW BANK OF NORTH AMERICA, INC., BMW FINANCIAL SERVICES NA, LLC, CREDITSMARTS CORP., and JOHN DOES 1-12,

Defendants.

Case No. 13-cv-04595-NLH-JS

Assigned to the Hon. Noel L. Hillman

You may be entitled to money under a class action settlement alleging unsolicited advertisements were sent by facsimile advertising the goods or services of up2drive, BMW Bank of North America, BMW Financial Services NA, LLC, or BMW of North America, LLC, on or after September 1, 2012, through January 1, 2013. The Court ordered us to send this notice to your fax number because it was found in a database to which the faxes at issue were sent and, therefore, you might be a member of the Settlement Class. If you received this Notice by mail, then your name and address was in the database. A person who does not exclude him or herself is a “Settlement Class Member.”

The purpose of this Notice is to inform the Settlement Class of the terms of the settlement and important deadlines relating to the settlement, as summarized below and described more fully on the Settlement Website: www.class-settlement.com, using the Username and Password listed at the bottom of the Claim Form.

Plaintiff City Select Auto Sales, Inc. (“Plaintiff”) claims that BMW Bank of North America, BMW Financial Services NA, LLC (together the “BMW Defendants”), and Creditsmarts Corp. violated the Telephone Consumer Protection Act, 47 U.S.C. § 227, by sending unsolicited advertisements by facsimile. The BMW Defendants deny these allegations and deny any claim of wrongdoing. The Court has not ruled on the merits of Plaintiff’s claims or the BMW Defendants’ defenses. The parties have agreed to settle. By entering into the settlement, the BMW Defendants have not conceded the truth or validity of any of the claims.

REPRESENTATION OF THE SETTLEMENT CLASS

Plaintiff is the “Class Representative.” The Court appointed Plaintiff’s attorneys, Bock, Hatch, Lewis & Oppenheim, LLC and Sherman, Silverstein, Kohl, Rose & Podolsky, P.C as “Class Counsel.”

TERMS OF THE SETTLEMENT

The BMW Defendants will pay up to \$3,765,000 (the “Settlement Amount”) to cover all amounts related to the settlement, including settlement awards to Settlement Class Members, attorneys’ fees and costs to Class Counsel, a service award to Plaintiff, and the costs of notice and administration of the settlement. **A Settlement**

Class Member who submits a valid claim form ("Claim Form") will receive a cash award of the lesser of \$145 per fax number on the class list or a pro rata share of the Settlement Amount remaining after the payments for fees, costs, service award, and notice and administration. Class Counsel will ask the Court for 33.2% of the Settlement Amount as fees and additional money to reimburse them for the out-of-pocket expenses they paid to investigate the facts, litigate the case, and negotiate the settlement. The attorneys have litigated this matter on a contingency basis. You will not have to pay any money to Class Counsel. You may enter an appearance through an attorney to be paid at your own cost if you desire.

DEADLINES UNDER THE SETTLEMENT

- **Submit a Claim Form.** In order to receive benefits under the settlement, you must submit a valid Claim Form no later than November 22, 2019. Claim Forms may be obtained on the Settlement Website, www.class-settlement.com, using the Username and Password listed at the bottom of the Claim Form, or by calling the Toll-Free Settlement Hotline, (877) 268-2976. Claim Forms must be submitted by fax, mail, or through the Settlement Website. Settlement Class Members may only submit one claim per facsimile telephone number, regardless of the number of facsimiles the Settlement Class Member received. More details can be found on the Settlement Website.
- **Exclude Yourself.** To exclude yourself from the settlement, submit a written exclusion request postmarked on or before September 23, 2019 to the Claims Administrator at City Select v. BMW, c/o Class-Settlement.com, PO Box 9009, Hicksville, NY 11802-9009. To be valid, the written exclusion request must contain: (i) the full name of the company or individual identified as a Settlement Class Member and that Settlement Class Member's address; (ii) the facsimile number(s) owned or used by the Settlement Class Member during the Class Period; (iii) the following statement: "I request to be excluded from the settlement in the City Select action and have authority to make this request" or a substantially similar statement that unambiguously communicates a desire to be excluded from the Settlement; and (iv) the Settlement Class Member's signature. Exclusion requests must be signed by a representative of the Settlement Class Member who is authorized to request the exclusion. If you do not submit a valid and timely exclusion request, you will be bound by the terms of the settlement and you will give up your right to sue regarding unsolicited facsimiles transmitted to you by the BMW Defendants or Creditsmarts Corp.
- **Object.** To object to or comment on the settlement, you must file an objection with the Court by September 23, 2019. You must also serve copies of your objection on Class Counsel and Defendants' attorney, postmarked by the same date, at the following addresses:

Plaintiff's Attorney:	Phillip A. Bock Bock, Hatch, Lewis & Oppenheim LLC 134 N. LaSalle Dr., Suite 1000 Chicago, Illinois 60602	Defendants' Attorney:	Raymond A. Garcia Stroock & Stroock & Lavan LLP 180 Maiden Lane New York, NY 10038
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Your objection must include your name, fax number, street address, all attorneys who assisted you in the preparation and filing of your objection, a list of all other class action cases in which you or your counsel have filed objections to settlements, and a statement of the reasons why you believe the Court should find that the proposed settlement is not fair, reasonable, and adequate. It is not enough to state only that you object; you must state the reasons why you believe the settlement should not be approved. Additionally, you must appear at the final fairness hearing to articulate your position why the settlement should not be approved. Even if you submit a valid and timely objection, to benefit from this settlement you must complete a Claim Form.

- **Do Nothing.** If you do nothing, you will not receive any monetary award and you will lose the right to sue regarding any unsolicited facsimiles transmitted to you by the BMW Defendants or Creditsmarts Corp.
- **Final Approval Hearing.** The Final Approval Hearing will take place on December 16, 2019 at 3:30 p.m. in Courtroom 3A at the U.S. District Court for the District of New Jersey, Mitchell H. Cohen Building & U.S. Courthouse, 4th & Cooper Streets, Camden, New Jersey 08101.

INQUIRIES

Complete details about your rights and options are available on the Settlement Website, www.class-settlement.com. If you have other questions, you may call the Toll-Free Settlement Hotline, (877) 268-2976. You may also call attorney Phillip A. Bock, one of the lawyers for the Class, at 312-658-5501.

Please do not contact the Clerk of the Court, the Judge, or the Judge's staff, the BMW Defendants, or the BMW Defendants' Counsel, because they cannot answer your questions or give you advice about this settlement.

BY ORDER OF THE COURT - HONORABLE NOEL L. HILLMAN

City Select Auto Sales, Inc. v. BMW Bank of North America, Inc. et al.,
United States District Court for the District of New Jersey, Case No. 1:13-cv-04595-NLH-JS

Settlement Administrator:
Class-Settlement.com
PO Box 9009
Hicksville, NY 11802-9009

Toll Free Number: (877) 268-2976
Website: www.class-settlement.com

CLAIM FORM

YOUR CLAIM FORM MUST BE RETURNED BY NOVEMBER 22, 2019.

Fax Number:

*You do not need to possess or remember receiving any fax from Defendants, but you must complete all **THREE** of the following steps to claim a settlement award:*

1. You must provide your contact information.

Name: _____

Company: _____

Address: _____

City/State/Zip Code: _____

Telephone Number: _____ Email Address: _____

List All Fax Numbers Belonging to You Between September 1, 2012 and January 1, 2013:

2. You must verify ownership or use of the fax number(s) you identified above.

The fax number(s) identified in No. 1 above or attached to this Proof of Claim was/were mine or my company's during the period between September 1, 2012, through January 1, 2013.

Signature

Date

3. You Must Return this Claim Form by November 22, 2019:

- a. Fax this Claim Form to: (888) 856-3154

OR

- b. Mail this Claim Form to: City Select v. BMW
Class-Settlement.com
PO Box 9009
Hicksville, NY 11802-9009

OR

- c. Submit this Claim Form electronically at: www.class-settlement.com

Username:

Password: